

**DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**

**Applicant's Statement of Matthew Christiansen and Celia Choy**  
**1812 Park Road, NW (Square 2606, Lot 70)**

**I. INTRODUCTION.**

This Statement is submitted on behalf of Matthew Christiansen and Celia Choy (the “**Applicant**”), owners of the property located at 1812 Park Road, NW (Square 2606, Lot 70) (the “**Subject Property**”). The Subject Property is located in the RF-1 zone and is improved with a two-story single-family dwelling (the “**Principal Building**”). The Applicant is proposing to construct a garage at the rear of the Subject Property (the “**Proposed Accessory Building**”). The Proposed Accessory Building will have a Building Area of 550 square feet and will also increase the Subject Property’s total lot occupancy to 70%. The Proposed Accessory Building will also be located within the required rear yard and will have a parking garage entrance located on the rear lot line, adjacent to a 20-foot-wide alley (thereby having a 10-foot setback from the alley centerline, where 12 is required pursuant to C-711.7). Accordingly, the Proposed Accessory Building requires special exception relief from (i) the accessory building Building Area requirements of E-5003.1; (ii) the lot occupancy requirements of E-304.1; (iii) the prohibition against an accessory building in a required rear yard of E-5004.1(a); and (iv) the alley centerline setback requirement of C-711.7.

**II. JURISDICTION OF THE BOARD.**

The Board has jurisdiction to grant the special exception relief requested pursuant to X-901, E-5201, and C-711.11.

**III. BACKGROUND.**

**A. Description of the Subject Property and Surrounding Area.**

The Subject Property is located in the RF-1 zone district. It is an interior lot measuring 2,772 square feet in land area. Abutting the Subject Property to the north is Park Road. Abutting the Subject Property to the east at 1810 Park Road, NW is a single-family dwelling. Abutting the Subject Property to the south is the alley. Abutting the Subject Property to the west at 1814 Park Road, NW is a single-family dwelling. The area is characterized primarily by single-family dwellings. Of the first twelve lots from east to west on this block of Park Rd, only the Subject Property (the third lot in) does not have an accessory building on the rear lot line.

**B. Proposed Project.**

The Proposed Accessory Building will be one story in height and will be in line with the adjacent accessory buildings, both on the alley side as well as the interior yard side. The proposed design for a roof deck and trellis is also consistent with an adjoining accessory building. The Building Area of the Proposed Accessory Building will be 550 square feet. The Subject Property's total lot occupancy will be 70%. The Proposed Accessory Building will be located in the required rear yard. And the Proposed Accessory Building's distance from the centerline of the alley will be ten feet.

**IV. THE APPLICATION MEETS THE REQUIREMENTS FOR SPECIAL EXCEPTION RELIEF.**

**A. Overview.**

Pursuant to Subtitle X-901.2 of the Zoning Regulations, the Board is authorized to grant special exception relief where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and will not tend to affect adversely the use of neighboring property, subject also, in this case, to the specific requirements for relief under E-5201 and C-711.11 of the Zoning Regulations.

In reviewing applications for a special exception under the Zoning Regulations, the Board's discretion is limited to determining whether the proposed exception satisfies the relevant zoning requirements. If the prerequisites are satisfied, the Board ordinarily must grant the application. See, e.g., *Nat'l Cathedral Neighborhood Ass'n. v. D.C. Board of Zoning Adjustment*, 753 A.2d 984, 986 (D.C. 2000).

**B. General Special Exception Requirements of Subtitle X § 901.2.**

**1. Granting of the Special Exception will be in Harmony with the General Purpose and Intent of the Zoning Regulations and Zoning Maps.**

The granting of the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The Subject Property is located in the RF-1 zone; "The purpose of the RF-1 zone is to provide for areas predominantly developed with row houses on small lots within which no more than two (2) dwelling units are permitted." The Subject Property will remain a single-family dwelling. Accordingly, the proposed Addition will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

2. The granting of the special exception will not tend to affect adversely, the Use of Neighboring Property in accordance with the Zoning Regulations and Zoning Maps.

The granting of the special exception will also not tend to adversely affect the use of neighboring properties. The Proposed Accessory Building is consistent with the size and design of other accessory buildings on this block.

**C. Specific Special Exception Requirements of Subtitle E § 5201.**

**NOTE: The following specific criteria apply to the first three areas of relief, including accessory building Building Area, total lot occupancy, and the accessory building in a required rear yard.**

**5201.4: An application for special exception relief under this section shall demonstrate that the proposed addition, new principal building, or accessory structure shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:**

**(a)The light and air available to neighboring properties shall not be unduly affected;**

There are similar existing garages lining the alley, including both adjacent properties. The adjacent property to the west at 1814 Park Road, NW has an existing garage with a height similar to the Proposed Accessory Building. The Proposed Accessory Building is limited to one story. Accordingly, the Addition shall not impact the light and air available to neighboring properties.

**(b)The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;**

Because of the low height, and the compatibility and consistency of the Proposed Accessory Building with the surrounding accessory buildings, privacy of use and enjoyment of neighboring properties should not be unduly compromised.

**(c)The proposed addition or accessory structure, together with the original building, or the new principal building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the street or alley frontage;**

The proposed Addition will not be visible from Park Road. The Addition is in line with the character, scale, and pattern of the existing garages along the alley. Accordingly, the Addition shall not substantially visually intrude upon the character, scale, and pattern of houses along the street or alley frontage.

**B. Specific Special Exception Requirements of Subtitle C § 711.11.**

**711.11: The Board of Zoning Adjustment may grant full or partial relief from the requirements of Subtitle C §§ 711.5 through 711.7 as a special exception under Subtitle X, Chapter 9, and subject to the following:**

**(a)The Office of Zoning shall refer any request under this subsection to the Office of Planning and the District Department of Transportation for review and comment, which shall include an evaluation of the applicant's satisfaction of the requirements of paragraph (b) of this subsection; and**

**(b)The applicant shall demonstrate to the Board's satisfaction:**

**(1) A reasonable difficulty in providing the full-sized driveway width or alley centerline setback; and**

Compliance with the 12-foot setback requirement on this relatively shallow lot would either move the Proposed Accessory Building closer to the principal building, make the Proposed Accessory Building too shallow, or make it impossible. It would also cause misalignment with the other accessory buildings bordering this alley.

**(2) Vehicle movement and turning diagrams demonstrating that the proposed relief would allow safe:**

**(A)Access for vehicles of average dimensions to and from the parking spaces for which the driveway or alley centerline setback provides access; and**

**(B)Use of the street or alley by pedestrians and vehicles.**

The Applicant will provide vehicle turning diagrams demonstrating that the proposed relief allows for safe access to and from the parking spaces and use of the alley by pedestrians and vehicles. Alley width is exceptionally wide at 20 feet, and the relief requested only 2 feet so the applicant does not anticipate showing anything other than a safe condition.

**V. CONCLUSION.**

For the reasons stated above, this application meets the requirements for variance relief by the Board, and the Applicant respectfully requests that the Board grant the requested relief.

Respectfully submitted,

*Martin P Sullivan* \_\_\_\_\_

Martin Sullivan  
Sullivan & Barros, LLP  
Date: April 29, 2022